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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY SWEARINGEN and ROBERT FIGY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

SANTA CRUZ NATURAL, INC.,

Defendant.

Case No. 13-CV-4291-SI

**JOINT STATUS REPORT
REGARDING STAY OF LITIGATION**

The Hon. Susan Illston
Date: December 12, 2014
Time: 3:00 p.m.
Place: Courtroom 10, 19th Floor

1 Defendant Santa Cruz Natural, Inc. and Plaintiffs Mary Swearingen and Robert Figy, by
 2 and through their respective counsel of record, hereby submit the following Joint Status Report
 3 concerning the Court's July 1, 2014 Order (Dkt. #47) staying this action pursuant to the primary
 4 jurisdiction doctrine:

5 1. On July 1, 2014, this Court stayed this action pending final guidance from the
 6 Food and Drug Administration ("FDA") on the issue of whether "evaporated cane juice" is an
 7 appropriate name for the ingredient in question. Dkt. #47 at 7. At that time, the Court scheduled
 8 a status conference for December 12, 2014, and directed the parties to file this Joint Status Report
 9 no later than December 5, 2014.

10 2. As of the date of this Report, FDA has not issued further guidance on the
 11 evaporated cane juice ingredient. However, the parties have conferred and have stipulated to an
 12 extension of the stay in this case pending another status conference to be held following 90 days
 13 (March 12, 2015, or as soon thereafter as may be convenient for the Court), with a Joint Status
 14 Report to be filed 7 days prior, wherein the parties will advise the Court of the status of FDA's
 15 review.

16 3. In another matter involving evaporated cane juice, this Court recently extended the
 17 stay on similar terms. *See Figy v. Amy's Kitchen*, No. 3:13-cv-03816-SI, Dkt. #75 (November 26,
 18 2014). Other Courts in this District have done the same. *See, e.g., Gitson v. Trader Joe's Co.*,
 19 No. 3:13-cv-01333-VC, Dkt. #106 (N.D. Cal. Nov. 13, 2014); *Swearingen v. Late July Snacks*
 20 *LLC*, No. 3:13-cv-04324-EMC, Dkt. #71 (Nov. 10, 2014); *Swearingen v. Healthy Beverage, LLC*,
 21 3:13-cv-04385-EMC Dkt. #60 (N.D. Cal. Nov. 10, 2014); *Reese v. Odwalla, Inc.*, No. 4:13-cv-
 22 00947-YGR, Dkt. #66 (N.D. Cal. Nov. 4, 2014).

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4. The parties accordingly respectfully request that the Court extend the stay of this action and continue the Status Conference currently scheduled for December 12, 2014 to March 12, 2015 or as soon thereafter as may be convenient for the Court.

Respectfully submitted,

Dated: December 3, 2014

HOGAN LOVELLS US LLP

By: /s/ Robert B. Hawk
Robert B. Hawk
Attorneys for Defendant
SANTA CRUZ NATURAL, INC.

Dated: December 3, 2014

DON BARRETT, P.A.

By: /s/ David McMullan, Jr.
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ATTESTATION

I, Robert B. Hawk, attest that David McMullan has approved the Joint Status Report Regarding Stay of Litigation and consents to its filing in this action.

By: /s/ Robert B. Hawk
Robert B. Hawk